

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEA SHEPHERD LEGAL,

Plaintiff,

v.

NATIONAL OCEANIC AND
ATMOSPHERIC
ADMINISTRATION, et al.,

Defendants.

CASE NO. C19-0463JLR

ORDER CONSOLIDATING
CASES AND SETTING
BRIEFING SCHEDULE

Plaintiff Sea Shepherd Legal and Defendants National Oceanic and Atmospheric Administration and National Marine Fisheries Services (collectively, the “Parties”) request that the court consolidate two actions pending before this court, C19-0463JLR and C19-1485JLR, and set a briefing schedule for the parties’ anticipated motions practice. (*See* Stip. (Dkt. # 32.); Am. Stip. (Dkt. # 33).)

Federal Rule of Civil Procedure 42(a) permits courts to consolidate actions “[i]f actions before the court involve a common question of law or fact.” Fed. R. Civ. P.

1 42(a). This rule affords courts “broad discretion” to consolidate cases pending in the
2 same district, either upon motion by a party or sua sponte. *In re Adams Apple, Inc.*, 829
3 F.2d 1484, 1487 (9th Cir. 1987). The court considers a number of factors in analyzing
4 the appropriateness of consolidation, including judicial economy, whether consolidation
5 would expedite resolution of the case, whether separate cases may yield inconsistent
6 results, and the potential prejudice to a party opposing consolidation. *See* 8 Moore’s
7 Federal Practice—Civil § 42.10[4-5] (2020).

8 Here, all factors favor consolidation. The cases involve identical parties and
9 overlapping questions of law and fact. Consolidation will serve the interests of judicial
10 economy by eliminating the need to file separate motions in each case on the same issues.
11 Upon consolidation, the court will be able to address the issues contained in the two cases
12 in a more streamlined fashion. Consolidation also reduces the risk of inconsistent results
13 in the two cases. Finally, there is no hint of prejudice, as evidenced by the fact that the
14 Parties stipulate to consolidation. (*See* Stip.; Am. Stip.) Accordingly, the court
15 GRANTS the Parties’ motion to consolidate.

16 For these reasons, the court ORDERS that cases C19-0463JLR and C19-1485JLR
17 cases are consolidated for all purposes, up to and including trial, under case number
18 C19-0463.¹ No documents hereafter shall be filed or docketed in C19-1485JLR. The
19 case schedule set forth in case number C19-0463JLR shall apply to all issues going
20 forward.

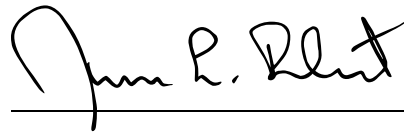
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¹ The court consolidates the cases under case number C19-0463 because that case was filed first.

1 The court also finds good cause to set a briefing schedule for Plaintiff's
2 anticipated Freedom of Information Act ("FOIA") motion in the consolidated action.
3 (See Am. Stip. at 2-3.) The court sets the following schedule for that motion:

4 Plaintiff's Motion	June 25, 2020
5 Defendants' Response	July 13, 2020
6 Plaintiff's Reply	July 17, 2020

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8 Dated this 12th day of June, 2020.

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11 JAMES L. ROBART
12 United States District Judge
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